

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Soren Andersen,

NO. C 07-03766 JW

Plaintiff,

**ORDER OVERRULING PLAINTIFF'S
OBJECTION TO RESCHEDULED
HEARING**

v.

Maia Young, et al.,

Defendants.

Before the Court is Plaintiff's objection to the rescheduled hearing of Defendants' motion to dismiss. (See Docket Item No. 42.)

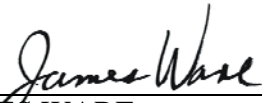
Defendants' original motion was filed on August 31, 2007. (See Docket Item No. 17.) Defendants served the moving papers on Plaintiff via regular mail and email on August 31, 2007. (See Docket Item No. 20.) Defendants' counsel states that the hard copies served via regular mail were returned undelivered in late October. (See Docket Item No. 35.) Defendants' counsel further states that though the parties have been in contact via email, Plaintiff has not stipulated to waiving a claim of prejudice based on the undelivered hard copies. (Id.)

A hearing on Defendants' motion was scheduled for November 19, 2007. Plaintiff's opposition was due no later than October 29, 2007. See Civ. L.R. 7-3. Plaintiff filed his opposition on October 31, 2007. (See Docket Item No. 39.)

On November 1, 2007, Defendants re-noticed their motion for the stated purpose of avoiding any future challenges by Plaintiff regarding the proper service of their motion. (See Docket Item No. 35.) Defendants noticed the motion for the hearing on **January 14, 2008 at 9 A.M.**

1 Plaintiff states that he will not attend the hearing on November 19, 2007 or January 14, 2008
2 because he is not in the United States. (See Docket Item No. 42.) Therefore, the Court finds that no
3 prejudice or inconvenience will result to Plaintiff from rescheduling the hearing. Accordingly, the
4 Court OVERRULES Plaintiff's Objection.

5
6 Dated: November 16, 2007



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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10 **Dated: November 16, 2007**

Richard W. Wieking, Clerk

11 **By: /s/ JW Chambers**
12 **Elizabeth Garcia**
13 **Courtroom Deputy**